

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

SHARON TAYLOR,

Plaintiff,

-vs-

ALLSTATE INSURANCE COMPANY,

Defendant.

:

Case No. 3:11-cv-457

:

District Judge Timothy S. Black
Magistrate Judge Michael J. Newman

:

ORDER GRANTING DOCUMENT 28

Now before the Court is Defendant's motion to compel the production of *pro se* Plaintiff's Rule 26(a) initial disclosures.

As a preliminary matter, the Court notes that Defendant has exhausted the appropriate extrajudicial efforts, prior to filing the motion to compel, as required by both Fed. R. Civ. P. 37(a) and Southern District of Ohio Local Rule 37.1. *See* doc. 28, PAGEID 424-26.

The motion makes clear that Plaintiff continues to believe her case is still filed in the Shelby County, Ohio Court of Common Pleas, even though (1) the case was removed to this Court by Defendant and (2) this Court has advised Plaintiff - orally, and in writing - that the removal was proper. The motion further makes clear that Plaintiff recently made a post-removal filing in the Common Pleas Court, *see* doc. 28, PAGEID 427-29, which was ordered stricken by Judge Stevenson of the Common Pleas Court, *see id.*, PAGEID 430-31. In his Order, Judge Stevenson also advised Plaintiff that her case is now before this Court, not the Court of Common Pleas.

Given this procedural history, and given Plaintiff's violation of the requirement to send her initial disclosures to opposing counsel on or before February 17, 2012, the Court **ORDERS** as

follows:

1. Plaintiff shall send her Rule 26(a) initial disclosures to Defendant's counsel on or before **March 19, 2012;**

2. Plaintiff is again **ADVISED** that she must cooperate in the discovery process in this case. She is **FURTHER ADVISED** that her failure to participate in discovery and send initial disclosures to Defendant's counsel may be cause for the Court to dismiss this case on the grounds that she has failed to comply with a Court Order. Fed. R. Civ. P. 37(b)(2)(A)(v); and

3. At this time, no sanctions are awarded relative to the motion to compel. If Plaintiff fails to comply with this Order and send initial disclosures to Defendant's counsel, or if Plaintiff fails to allow an inspection of her premises - as the Court directed in an Order issued earlier this week - Defendant shall advise the Court in writing.

IT IS SO ORDERED.

March 9, 2012

s/ **Michael J. Newman**
United States Magistrate Judge